

## EXHIBIT G

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DANIEL WHALEN,

Plaintiff,

Civil No. 13-cv-3784 (LGS)

-against-

CSX TRANSPORTATION, INC.,

Defendant.

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CSX TRANSPORTATION, INC.,

Third-Party Plaintiff,

-against-

HAWARTH INC and OFFICE ENVIRONMENTS SERVICE INC.,

Third-Party Defendants.

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10 Bank Street  
White Plains, New York  
February 4, 2015  
10:15 A.M.

EXAMINATION BEFORE TRIAL of  
Defendant, TIMOTHY PATRICK BRERETON, pursuant to  
Order, before Caitrin O'Meara, a Notary Public  
within and for the State of New York.

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2 A P P E A R A N C E S:  
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6 BY: PHILIP J. DINHOFER  
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CSX TRANSPORTATION  
10 10 Bank Street, Suite 700  
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12 BY: LAWRENCE R. BAILEY, JR  
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14 WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER,  
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Attorneys for Third-Party Defendants  
15 HAWORTH, INC.  
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21 One Huntington Quadrangle, #2C18  
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22

23 BY: MICHAEL D. KERN  
24

25 ALSO PRESENT: CHRIS VAUGHAN, CSX Agent

STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED by and between(among) counsel for the respective parties hereto, that all rights provided by the C.P.L.R., including the right to object to any question, except as to form, or to move to strike any testimony at this(these) examination(s), are reserved, and, in addition, the failure to object to any questions or to move to strike any testimony at this (these) examination(s) shall not be a bar or waiver to make such motion at, and is reserved for the trial of this action;

IT IS FURTHER STIPULATED AND AGREED by and between(among) counsel for the respective parties hereto, that this(these) examination(s) may be sworn to by the witness(es) being examined, before a Notary Public other than the Notary Public before whom this(these) examination(s) was(were) begun; but the failure to do so, or to return the original of this(these) examination(s) to counsel, shall not be deemed a waiver of rights provided by Rules 3116 and 3117 of the C.P.L.R., and shall be controlled thereby;

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IT IS FURTHER STIPULATED AND AGREED  
by and between(among) counsel for the respective  
parties hereto, that this(these) examination(s)  
may be utilized for all purposes as provided by  
the C.P.L.R.;

IT IS FURTHER STIPULATED AND AGREED  
by and between(among) counsel for the respective  
parties hereto, that the filing and sealing of  
the original of this(these) examination(s) shall  
be and the same hereby are waived;

IT IS FURTHER STIPULATED AND AGREED by and  
between(among) counsel for the respective parties  
hereto, that a copy of the within examination(s)  
shall be furnished to counsel representing the  
witness(es) testifying, without charge.

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TIMOTHY PATRICK BRERETON,  
called as a witness, having been first duly sworn  
by a Notary Public, was examined and testified as  
follows:

EXAMINATION BY

PHILIP J. DINHOFER

Q. What is your name?

A. Timothy Patrick Brereton.

Q. What is your address?

A. My address is 1 Marine View  
Plaza, Apt 4B, Hoboken, New Jersey 07030.

Q. Good morning, Mr. Brereton.

A. Good morning.

Q. By whom are you employed?

A. CSX.

Q. For how long have you been  
employed by CSX?

A. Just about 11 years.

Q. When did you first hire on with  
CSX?

A. I believe it was 2003.

Q. In what capacity?

A. As a carman.

Q. For how long did you work as a

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carman?

A. About three and a half years.

Q. Did you work at a particular location?

A. Bronx, New York.

Q. Was there a particular name for the location in the Bronx where you worked?

A. Oak Point.

Q. What were your duties and responsibilities as a carman?

A. Carman was to inspect and repair railroad freight cars in accordance with AAR, FRA and CSX regulations.

Q. Did there come a time three and a half years later when your job changed?

A. Yes, I took a position as an assistant general car foreman.

Q. How long did you hold that job for?

A. Approximately two and a half years give or take.

Q. What were your duties and responsibilities as an assistant car foreman?

A. Safety of the employees. I was

1 BRERETON

2 in charge of, making schedules, also making sure  
3 the employees performed the inspections and  
4 repair on freight cars in accordance to AAR, FRA,  
5 CSX regulations.

6 Q. Which employees were you in  
7 charge of?

8 A. Bronx when I was an assistant  
9 general foreman at Oak Point.

10 Q. Were those the carmen that were  
11 working beneath you?

12 A. Yes.

13 Q. Did you do this job as an  
14 assistant general car foreman at Oak Point?

15 A. Yes.

16 Q. Any place else?

17 A. No.

18 Q. After that job what did you do?

19 A. General foreman.

20 Q. Can you tell me what the  
21 difference is between the job of a general  
22 foreman and assistant general foreman?

23 A. Assistant foreman usually helps  
24 the general foreman out and the general foreman  
25 and helps out the senior general foreman.

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Q. What were your responsibilities as a general foreman that were any different?

A. Generally the same just another area. I would be in charge of South Kearny as well as the Bronx.

Q. I picked up two territories instead of having the one?

A. Yes.

Q. How far away is South Kearny from Oak Point?

A. 4, 17 miles maybe.

Q. Generally how do you travel from South Kearny to Oak Point?

A. Car.

Q. What route do you take?

A. Depends on traffic, 1 and 9, GW, I take the Turnpike to the GW.

Q. Invariably it involves crossing the George Washington Bridge?

A. Yes.

Q. Is that the position you hold to date is general foreman?

A. Yes.

Q. What's the highest level of

1 BRERETON

2 A. No, not that I'm aware of.

3 Q. At the time when Dan Whalen  
4 returned to work do you know whether or not he  
5 was given any kind of work place accommodations  
6 for any kind of disability that he may have  
7 incurred?

8 MR. BAILEY: Objection to form.

9 A. No, he wasn't.

10 Q. Is there any kind of work place  
11 accommodations that's given to carmen?

12 A. No.

13 MR. BAILEY: You're talking about  
14 carmen doing work as a carman?

15 MR. DINHOFER: Right.

16 Q. Is there any kind of light duty  
17 for carmen to do as carmen?

18 A. No.

19 Q. Prior to returning to work after  
20 having been out for approximately a half year or  
21 so, is it a requirement that an employee such as  
22 Daniel Whalen comes back from a work related  
23 injury be seen by medical doctor employed by the  
24 railroad?

25 A. Yes.